

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

THURSDAY, JUNE 2, 2005

## FIFTY-EIGHTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Thursday, June 2, 2005 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Coley was selected to preside under the Rule.

The journal of yesterday was read and approved.

**INTRODUCTION OF BILLS**

The following bill was introduced:

**H. B. No. 289**-Representative White.

To amend sections 121.37 and 2151.27 and to enact sections 121.373 and 121.374 of the Revised Code regarding the duties of the Ohio Family and Children First Cabinet Council and county family and children first councils.

Said bill was considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

Representative DeBose submitted the following report:

The standing committee on Economic Development and Environment to which was referred **H. J. R. No. 2**- Representative Martin, having had the same under consideration, reports it back as a substitute resolution and recommends its adoption.

RE: FOSTER JOBS/DEVELOPMENT/COMMERCIALIZATION

Representative Collier moved to amend the title as follows:

Add the names: "Schaffer, Hagan, Combs, Wolpert, Aslanides, Trakas, Collier."

JIMMY STEWART  
 JOHN P. HAGAN  
 LARRY L. WOLPERT  
 JIM HUGHES  
 JAMES PETER TRAKAS  
 RANDY LAW

TIMOTHY O. SCHAFFER  
 COURTNEY COMBS  
 STEVE REINHARD  
 JIM ASLANIDES  
 THOM COLLIER  
 MARY TAYLOR

The following members voted "NO"

ROBERT J. OTTERMAN

FRED STRAHORN

LORRAINE M. FENDE  
 MICHAEL DEBOSE  
 JEFF WAGNER  
 SANDRA STABILE HARWOOD

JOHN DOMENICK  
 TIMOTHY J. CASSELL  
 EDNA BROWN

The report was agreed to.

The joint resolution was ordered to be engrossed and placed on the calendar.

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **Am. S. B. No. 124**-Senators Spada, Harris, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: AGENCY SUNSET REVIEW-CONFIRM/REVISE ACT

Representative Seitz moved to amend the title as follows:

Add the names: "Representatives Seitz, Willamowski."

WILLIAM J. SEITZ  
 ROBERT E. LATTA  
 ANTHONY CORE  
 BILL COLEY  
 JOYCE BEATTY  
 LANCE T. MASON

MARK D. WAGONER  
 JOHN R. WILLAMOWSKI  
 W. SCOTT OELSLAGER  
 SANDRA STABILE HARWOOD  
 T. TODD BOOK

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative S. Smith submitted the following report:

The standing committee on Health to which was referred **H. B. No. 203**-Representative Raga, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ESTABLISH SCHOOL HEALTH AND SAFETY NETWORK

Representative White moved to amend the title as follows:

Add the names: "S. Smith, Barrett, Beatty, DeBose, Fessler, G. Smith, Harwood, Hoops, Otterman, Reidelbach, Schneider, Webster."

JAMES T. RAUSSEN  
 JOHN J. WHITE  
 SHIRLEY A. SMITH  
 ROBERT J. OTTERMAN  
 LINDA S. REIDELBACH  
 EARL MARTIN

JAMES M. HOOPS  
 MICHELLE G. SCHNEIDER  
 DIANA M. FESSLER  
 JOYCE BEATTY  
 SHAWN N. WEBSTER  
 MERLE GRACE KEARNS

COURTNEY COMBS  
 JON M. PETERSON  
 GEOFFREY C. SMITH  
 LANCE T. MASON  
 MICHAEL DEBOSE

SANDRA STABILE HARWOOD  
 EDNA BROWN  
 CATHERINE L. BARRETT  
 JOHN WIDOWFIELD

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 140**-Representative Carmichael, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: BREWERS/DISTILLERS-PRODUCT SAMPLING

Representative Uecker moved to amend the title as follows:

Add the names: "D. Stewart, Setzer, T. Patton."

Representative Carmichael moved to amend as follows:

In line 17, delete "at an event at" and insert "on"

In line 20, delete "holding"

In line 21, delete everything before "sample" and insert "providing a"

In line 22, delete "servings are provided" and insert "serving"

In line 24, after the underlined period insert "The liquor control commission shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section."

In line 5 of the title, delete "at an event"

The motion was agreed to and the bill so amended.

JOSEPH W. UECKER  
 CHARLES R. BLASDEL  
 THOMAS F. PATTON  
 T. TODD BOOK  
 BARBARA A. SYKES  
 STEPHEN BUEHRER

JIM CARMICHAEL  
 ARLENE J. SETZER  
 DAN STEWART  
 WILLIAM J. HARTNETT  
 MIKE MITCHELL

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Healy reported for the Rules and Reference Committee recommending that the following House Bills and Senate Concurrent Resolution be considered for the second time and referred to the following

committees for consideration:

**H.B. No. 281 - Representative DeWine, et al**

TO ADD A REPRESENTATION OF THE WRIGHT BROTHERS' FIRST PILOTED AIRPLANE TO THE COAT OF ARMS AND GREAT SEAL OF THE STATE OF OHIO.

To the committee on State Government

**H.B. No. 282 - Representative Flowers, et al**

DESIGNATING SEPTEMBER 11 AS "OHIO PUBLIC SAFETY EMPLOYEE DAY."

To the committee on Transportation, Public Safety and Homeland Security

**S. Con. R. No. 16 - Senator Spada, et al**

TO RECOGNIZE JUNE 26, 2006, AS "VIKTOR SCHRECKENGOST DAY."

To the committee on State Government

JON A. HUSTED  
JIM CARMICHAEL  
KEVIN DEWINE  
TOM RAGA  
GEOFFREY C. SMITH  
KENNETH A. CARANO  
JOSEPH KOZIURA

CHARLES E. CALVERT  
ANTHONY CORE  
MERLE GRACE KEARNS  
JOHN SCHLICHTER  
SHAWN N. WEBSTER  
TIMOTHY J. DEGEETER  
ROBERT J. OTTERMAN

Representative Carmichael moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bills and Senate Concurrent Resolution contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Concurrent Resolution were considered a second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

Representative Healy reported for the Rules and Reference Committee recommending that the following House Concurrent Resolution be introduced and referred to the following committee for consideration:

**H.Con.R. No. 18 - Representative DeBose, et al**

TO MEMORIALIZE THE 109TH CONGRESS OF THE UNITED STATES TO ENACT UNITED STATES SENATE BILL 985 TO PROVIDE GRANT ASSISTANCE AND PROMOTE AWARENESS OF PROGRAMS AND SERVICES TO KINSHIP CAREGIVERS THROUGH KINSHIP

## NAVIGATOR PROGRAMS.

To the committee on Juvenile and Family Law

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Carmichael moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

**Am. Sub. S. B. No. 7** - Senators Cates, Spada, Austria, Mumper, Wachtmann, Schuler, Padgett, Clancy, Niehaus, Coughlin, Hottinger, Armbruster, Jacobson, Harris

To amend sections 2913.48, 3121.034, 3121.037, 4121.10, 4121.44, 4121.441, 4123.01, 4123.32, 4123.35, 4123.512, 4123.52, 4123.54, 4123.56, 4123.57, 4123.58, 4123.61, 4123.65, 4123.88, 5703.21, and 5747.18, to enact sections 3121.0311, 4121.131, 4121.444, 4123.271, and 4123.311 of the Revised Code to make various changes to the Workers' Compensation Law.

Attest:

Matthew T. Schuler,  
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 66** - - Representatives Calvert, Flowers, Martin, McGregor, Peterson, Schlichter, Webster, Aslanides, Blasdel, Coley, Collier, Combs, DeWine, Dolan, C. Evans, D. Evans, Hagan, Kearns, Kilbane, Law, T. Patton, Seaver, Setzer, Wagoner, White, Widowfield Speaker Husted Senators Amstutz, Goodman, Clancy, Carey, Jacobson, Harris

To amend sections 9.24, 101.68, 102.02, 102.06, 105.41, 108.05, 109.54, 109.57, 109.60, 109.79, 109.91, 109.98, 117.10, 120.06, 120.13, 120.23, 120.52, 120.53, 121.37, 121.38, 122.011, 122.17, 122.171, 122.18, 122.40, 122.603, 122.71, 122.72, 122.73, 122.74, 122.75, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.83, 122.95, 122.951, 123.01, 123.152, 123.17, 124.01, 124.02, 124.04, 124.07, 124.09, 124.11, 124.133, 124.14, 124.15, 124.20, 124.23, 124.231, 124.241, 124.25, 124.26, 124.27, 124.29, 124.30, 124.31, 124.311, 124.32, 124.321, 124.322, 124.323, 124.324, 124.325, 124.328, 124.33, 124.34, 125.041, 125.05, 125.09, 125.11, 125.831, 125.832, 126.25, 127.16, 131.02, 131.23, 133.09, 140.01, 140.08, 141.011, 141.04, 147.05, 147.10, 147.11, 147.12, 147.371, 149.30, 150.07, 150.10, 173.26, 173.40, 173.99, 181.251, 181.51, 181.52, 181.54, 181.55, 181.56, 183.28, 184.02, 305.171, 307.36, 307.37, 307.695, 307.76, 307.86, 307.88, 317.08, 317.36, 319.20, 319.302, 321.24, 323.01, 323.152, 325.31, 329.04, 329.051, 339.72, 339.88, 340.03, 340.16, 731.14, 731.141, 742.59, 901.43, 903.05, 905.32, 905.33, 905.331, 905.36, 905.37, 905.38, 905.381, 905.50, 905.501, 905.66, 907.16, 913.02, 913.23, 915.02, 915.16, 915.24, 921.02, 921.16, 923.44, 923.45, 923.46, 926.01, 927.69, 1111.04, 1327.511, 1502.02, 1509.06, 1509.072, 1509.31, 1515.14, 1517.02, 1521.062, 1531.27, 1533.10, 1533.11, 1533.111, 1533.112, 1533.12, 1533.32, 1533.99, 1541.03, 1548.06, 1707.01, 1707.17, 1707.19, 1707.20, 1707.22, 1707.23, 1707.25, 1707.261, 1707.431, 1707.44, 1707.46, 1711.52, 1711.53, 1713.03, 1751.03, 1751.04, 1751.05, 1751.89, 1901.26, 1901.31, 1907.24, 2113.041, 2117.061, 2151.352, 2151.416, 2152.43, 2152.44, 2152.74, 2303.201, 2305.234, 2329.66, 2743.191, 2744.05, 2744.08, 2901.07, 2913.40, 2921.13, 2923.25, 2971.05, 3107.10, 3111.04, 3119.54, 3121.12, 3121.50, 3125.18, 3301.079, 3301.0710, 3301.0711, 3301.0714, 3301.0715, 3301.12, 3301.16, 3301.311, 3301.32, 3301.56, 3301.86, 3301.88, 3302.03, 3311.059, 3313.207, 3313.208, 3313.209, 3313.489, 3313.975, 3313.976, 3313.977, 3313.978, 3313.98, 3314.01, 3314.013, 3314.015, 3314.02, 3314.021, 3314.03, 3314.031, 3314.032, 3314.033, 3314.06, 3314.074, 3314.08, 3314.13, 3314.17, 3315.17, 3315.18, 3315.37, 3316.06, 3316.16, 3317.013, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.026, 3317.027, 3317.028, 3317.029, 3317.0216, 3317.0217, 3317.03, 3317.031, 3317.05, 3317.052, 3317.053, 3317.06, 3317.063, 3317.07, 3317.081, 3317.09, 3317.10, 3317.16, 3317.20, 3317.21, 3317.22, 3317.23, 3317.50, 3317.51, 3318.091, 3318.33, 3319.081, 3319.17, 3319.22, 3319.235, 3319.55, 3323.021, 3323.091, 3323.14, 3323.16, 3327.01, 3332.092, 3333.04, 3333.044, 3333.12, 3333.121, 3333.27, 3333.28, 3333.36, 3333.38, 3334.01, 3334.02, 3334.03, 3334.07, 3334.08, 3334.09, 3334.10, 3334.11, 3334.12, 3334.15, 3334.16, 3334.17, 3334.18, 3334.19, 3335.02, 3345.10, 3345.19, 3345.32, 3353.01, 3353.04, 3353.06, 3353.07, 3362.02, 3365.01, 3365.02, 3375.48, 3375.49, 3375.54, 3375.55, 3381.02, 3381.04, 3381.05, 3381.06, 3381.07, 3381.15, 3383.02, 3383.09, 3501.17, 3517.13, 3517.151, 3701.023, 3701.146, 3701.65, 3702.141, 3702.51, 3702.68, 3702.72, 3702.74, 3703.01, 3703.03, 3703.04, 3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3703.99, 3704.035, 3704.143, 3704.99, 3705.24, 3709.29,

3709.34, 3712.03, 3714.07, 3721.01, 3721.011, 3721.02, 3721.03, 3721.07,  
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4511.75, 4517.01, 4519.01, 4519.02, 4519.09, 4561.17, 4561.18, 4561.21,  
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5739.021, 5739.025, 5739.026, 5739.029, 5739.03, 5739.033, 5739.034,  
5739.035, 5739.09, 5739.10, 5739.12, 5739.16, 5739.17, 5739.99, 5741.02,  
5741.16, 5741.99, 5743.01, 5743.02, 5743.03, 5743.05, 5743.071, 5743.08,



5743.10, 5743.111, 5743.112, 5743.14, 5743.15, 5743.16, 5743.18, 5743.19, 5743.20, 5743.32, 5743.33, 5743.99, 5747.01, 5747.012, 5747.02, 5747.05, 5747.08, 5747.212, 5747.331, 5747.70, 5747.80, 5747.98, 5747.99, 5749.02, 5907.15, 5919.33, 5920.01, 6109.21, 6121.04, and 6123.04; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 181.251 (5502.63), 181.51 (5502.61), 181.52 (5502.62), 181.54 (5502.64), 181.55 (5502.65), 181.56 (5502.66), 3314.031 (3314.21), 3314.032 (3314.22), 3314.033 (3314.23), 3314.034 (3314.24), 3317.21 (3318.47), 3317.22 (3318.48), 3317.23 (3318.49), 4115.21 (4115.16), 4723.63 (4723.91), 5101.75 (173.42), 5101.752 (173.43), 5111.02 (5111.021), 5111.021 (5111.022), 5111.022 (5111.023), 5111.023 (5111.0115), 5111.112 (5111.113), 5111.113 (5111.114), 5111.231 (5111.232), 5111.257 (5111.258), 5111.81 (5111.085), 5111.88 (5111.97), 5111.97 (5111.86), 5121.01 (5121.02), 5121.02 (5121.03), and 5121.03 (5121.01); to enact new sections 3317.012, 3353.02, 3353.03, 3704.14, 4723.63, 5111.02, 5111.112, 5111.231, 5111.24, 5111.257, 5111.262, 5111.88, and 5123.048, and sections 9.23, 9.231, 9.232, 9.233, 9.234, 9.235, 9.236, 9.237, 9.238, 9.239, 9.241, 101.391, 103.132, 109.579, 109.981, 120.07, 120.36, 121.373, 121.381, 121.382, 121.403, 122.075, 122.083, 122.12, 122.121, 122.172, 122.173, 125.18, 125.25, 125.60, 125.601, 125.602, 125.603, 125.604, 125.605, 125.606, 125.607, 125.608, 125.609, 125.6010, 125.6011, 125.6012, 131.51, 153.02, 173.39, 173.391, 173.392, 173.393, 173.44, 173.45, 173.46, 173.47, 173.48, 173.49, 173.50, 306.331, 341.192, 901.44, 907.111, 1533.122, 1547.721, 1547.722, 1547.723, 1547.724, 1547.725, 1547.726, 1707.164, 1707.165, 1711.531, 1751.271, 2151.282, 2151.652, 2305.2341, 2307.65, 2744.082, 2913.401, 2927.023, 3125.191, 3302.10, 3310.01, 3310.02, 3310.03, 3310.04, 3310.05, 3310.06, 3310.07, 3310.08, 3310.09, 3310.10, 3310.13, 3310.14, 3310.16, 3310.17, 3311.11, 3313.6410, 3314.016, 3314.061, 3314.084, 3314.085, 3314.12, 3314.18, 3314.19, 3314.25, 3314.26, 3314.27, 3314.28, 3314.35, 3314.36, 3316.043, 3317.016, 3317.017, 3317.201, 3318.18, 3319.06, 3319.0810, 3319.172, 3323.20, 3323.30, 3323.31, 3323.32, 3323.33, 3325.10, 3325.11, 3325.12, 3325.15, 3325.16, 3325.17, 3333.047, 3333.122, 3333.123, 3333.162, 3354.25, 3701.073, 3702.83, 3704.144, 3705.242, 3714.073, 3715.04, 3721.032, 3721.541, 3721.561, 3745.015, 3745.114, 3770.061, 3781.191, 3903.421, 4115.36, 4117.103, 4501.07, 4506.101, 4506.161, 4713.441, 4121.126, 4121.127, 4121.128, 4123.441, 4123.444, 4123.445, 4723.61, 4723.62, 4723.621, 4723.64, 4723.65, 4723.66, 4723.67, 4723.68, 4723.69, 4766.14, 4912.01, 5101.07, 5101.071, 5101.163, 5101.244, 5101.461, 5101.802, 5101.803, 5101.93, 5101.94, 5107.301, 5111.0114, 5111.027, 5111.028, 5111.061, 5111.062, 5111.083, 5111.084, 5111.10, 5111.161, 5111.162, 5111.163, 5111.164, 5111.165, 5111.176, 5111.191, 5111.222, 5111.223, 5111.242, 5111.243, 5111.244, 5111.254, 5111.265, 5111.266, 5111.65, 5111.651, 5111.66, 5111.661, 5111.67, 5111.671, 5111.672, 5111.673, 5111.674, 5111.675, 5111.676, 5111.677, 5111.68, 5111.681, 5111.682, 5111.683, 5111.684, 5111.685, 5111.686, 5111.687, 5111.688, 5111.851, 5111.852, 5111.853, 5111.854, 5111.855, 5111.856,

5111.881, 5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 5111.889, 5111.89, 5111.891, 5111.892, 5111.893, 5111.914, 5111.915, 5111.971, 5111.98, 5112.341, 5121.30, 5121.31, 5121.32, 5121.33, 5121.34, 5121.35, 5121.36, 5121.37, 5121.38, 5121.39, 5121.40, 5121.41, 5121.42, 5121.43, 5121.44, 5121.45, 5121.46, 5121.47, 5121.49, 5121.50, 5121.51, 5121.52, 5121.53, 5121.54, 5121.55, 5123.16, 5540.032, 5703.057, 5707.031, 5709.112, 5725.32, 5727.031, 5727.241, 5727.812, 5729.032, 5739.012, 5739.36, 5743.031, 5743.072, 5743.71, 5747.056, 5751.01, 5751.011, 5751.012, 5751.013, 5751.02, 5751.03, 5751.031, 5751.032, 5751.033, 5751.04, 5751.05, 5751.051, 5751.06, 5751.07, 5751.08, 5751.081, 5751.09, 5751.10, 5751.11, 5751.12, 5751.20, 5751.21, 5751.22, 5751.23, 5751.31, 5751.50, 5751.51, 5751.52, 5751.53, 5751.98, 5751.99, 5919.31, 5919.341, 6111.30, 6111.31, and 6111.32; and to repeal sections 181.53, 339.77, 742.36, 1541.221, 3301.31, 3301.33, 3301.34, 3301.35, 3301.36, 3301.37, 3301.38, 3301.80, 3301.85, 3301.87, 3311.40, 3317.012, 3317.0212, 3317.0213, 3353.02, 3353.03, 3501.141, 3506.17, 3704.14, 3704.142, 3704.17, 3721.511, 3901.41, 3901.781, 3901.782, 3901.783, 3901.784, 4115.16, 4519.06, 4519.07, 5101.751, 5101.753, 5101.754, 5111.041, 5111.205, 5111.24, 5111.262, 5111.34, 5115.10, 5115.11, 5115.12, 5115.13, 5115.14, 5123.041, 5123.048, 5731.20, and 5733.122 of the Revised Code; to amend Sections 16.09, 19.01, 20.01, 22.03, 22.04, 23.02, 23.12, 23.13, 23.26, 23.45, and 24.01 of Am. Sub. H.B. 16 of the 126th General Assembly; to amend Section 3 of Am. H.B. 67 of the 126th General Assembly; to amend Sections 203.03.09, 203.03.10, and 203.06.15 of Am. Sub. H.B. 68 of the 126th General Assembly; to amend Section 41.36 of Am. Sub. H.B. 95 of the 125th General Assembly and to amend Section 41.36 of Am. Sub. H.B. 95 of the 125th General Assembly for the purpose of codifying it as section 3323.19 of the Revised Code; to amend Section 14 of Sub. H.B. 434 of the 125th General Assembly; to amend Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly; to amend Sections 26.01 and 74 of Am. Sub. S.B. 189 of the 125th General Assembly; to amend Section 22 of Am. Sub. S.B. 189 of the 125th General Assembly, as amended by Am. Sub. H.B. 16 of the 126th General Assembly; to amend Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, as subsequently amended; to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to amend Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as subsequently amended; and to repeal Sections 59.19, 89.17, and 147 of Am. Sub. H.B. 95 of the 125th General Assembly to make operating appropriations for the biennium beginning July 1, 2005 and ending June 30, 2007, and to provide authorization and conditions for the operation of state programs, and to repeal Section 553.01 of this act on December 16, 2005.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 79536, delete "2008" and insert "2009"

In line 82072, after "5731.20," insert "and"; delete the last comma

In line 82073, delete "and 6111.028"

In line 241 of the title, after "5731.20," insert "and"; delete ", and"

In line 242 of the title, delete "6111.028"

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on June 1, 2005, signed the following:

**Am. Sub. S. B. No. 61** - Senator Wachtmann - et al.

On motion of Representative Carmichael, the House adjourned until Tuesday, June 7, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.